

KJM et al. -- 10/615,830  
Attorney Docket: 006691-0304704

### REMARKS

Claim 1, 3, 4, 6, 8 and 9 are pending. By this Amendment claims 1, 3, 4, 6, 8 and 9 are amended; and claims 2, 5, 7 and 10 are canceled without prejudice or disclaimer. Reconsideration in view of the above amendments and following remarks are respectfully requested.

Claims 1, 2, 5-7 and 10 were rejected under 35 U.S.C. § 102(b) over Yamamoto et al. (JP 6-47405). The rejection is respectfully traversed.

Applicants respectfully request the Examiner clarify the current ground, or grounds, or rejection. The Examiner acknowledges on page 3, lines 1-2, of the Office Action that Yamamoto et al. fail to disclose or suggest a power supply for generating a pulse current. The Examiner then states that should Yamamoto et al. be deemed not to meet claims 1, 2, 5-7 and 10 because of this deficiency, it would have been obvious to have utilized a pulse current in view of the disclosure of Weldon et al. (U.S. Patent 5,515,705).

Yamamoto et al. either discloses a power supply for generating a pulse current as recited in claims 1 and 6, or Yamamoto et al. does not disclose a power supply for generating a pulse current. Yamamoto et al. do not. The Examiner acknowledges that Yamamoto et al. do not. Accordingly, the rejection under 35 U.S.C. § 102(b) is improper and must be withdrawn.

With all due respect, it appears that the Examiner is "hedging his bets." It is respectfully submitted that this approach is completely contrary to the law as set forth in 37 C.F.R. § 1.104, and completely contrary to Patent Office policy as set forth in MPEP § 706.02. It is further respectfully submitted that the Examiner's attempt to "put Applicants on notice" of a possible rejection based on the combination of Yamamoto et al. and Weldon et al. will not meet the criteria for making any subsequent Office Action final. The Examiner has not rejected any of the claims under 35 U.S.C. § 103(a) over any combination of Yamamoto et al. and Weldon et al. As this Amendment merely incorporates the subject matter of dependent claim 2 into independent claim 1 and dependent claim 7 into independent 6, any new ground of rejection against the claims will not be necessitated by Applicants' amendments to claims 1 and 6. Accordingly, any subsequent Office Action that includes a new ground of rejection must be non-final.

Claim 1, as amended to include the subject matter of claim 2, recites an electric heating type rolling device for rolling a metal strip moving in a direction comprising at least one pair of work rolls for rolling said metal strip while contacting the metal strip; a power

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supply for generating a pulse current; and first and second conductive electrode means which are electrically connected to said power supply for applying said pulse current to said metal strip, the first conductive electrode means being disposed in a location before said metal strip passes through said work rolls, and the second conductive electrode means being disposed opposite to the first conductive electrode means in a location after said metal strip has been rolled by said work rolls and passed thereby. The first and second conductive electrode means respectively consist of a pair of plate-shaped contact members which are disposed contactingly above and below the metal strip, each contact member including a first contact portion contacting the metal strip, a second contact portion contacting the metal strip at a position closer to said work rolls than the first contact portion, and a flat portion for connecting the first contact portion and the second contact portion while being spaced apart from the metal strip.

As discussed above, Yamamoto et al. do not disclose or suggest a power supply for generating a pulse current. The power source 8 of Yamamoto et al. is disclosed in paragraph [0018] of the machine translation as either an alternating current or direct current source. There is no disclosure or suggestion by Yamamoto et al. of generating a pulse current. Accordingly, Yamamoto et al. cannot anticipate or render obvious claims 1 and 6.

There is also no disclosure or suggestion by Yamamoto et al. of first and second conductive electrode means respectively consist of a pair of plate-shaped contact members which are disposed contactingly above and below the metal strip, each contact member including a first contact portion contacting the metal strip, a second contact portion contacting the metal strip at a position closer to said work rolls than the first contact portion, and a flat portion for connecting the first contact portion and the second contact portion while being spaced apart from the metal strip. Yamamoto et al. disclose that the pinch rolls are the electrodes. The pinch rolls are neither plate-shaped, nor do they include a flat portion as recited in claim 1. MPEP § 2111.01 states that claim terms are presumed to have the ordinary and customary meanings attributed to them by those of ordinary skill in the art. It is respectfully submitted that those of ordinary skill in the art would not attribute the term "plate-shaped" to pinch rolls.

Claims 3 and 4 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 1 and for the additional features recited therein.

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Yamamoto et al. cannot anticipate or render obvious claim 6 because Yamamoto et al. do not disclose either a power supply for generating a pulse current or a pair of plate-shaped contact members which are disposed contactingly above and below said metal strip.


Claims 8 and 9 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 6 and for the additional features recited therein.

In view of the above amendments and remarks, Applicants respectfully submit that the all the claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

  
JOHN P. DARLING  
Reg. No. 44482  
Tel. No. 703 770.7745

Date: October 24, 2005  
P.O. Box 10500  
McLean, VA 22102  
Tel. No. 703 770.7900  
Fax No. 703 770.7901